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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,644	08/27/2003	Robert Aarts	59643-00295	3885

32294 7590 03/20/2007  
SQUIRE, SANDERS & DEMPSEY L.L.P.  
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8000 TOWERS CRESCENT  
TYSONS CORNER, VA 22182

EXAMINER
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SANDOVAL, KRISTIN D

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/648,644

Applicant(s)

AARTS ET AL.

Examiner

Kristin D. Sandoval

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/19/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-12 are pending.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 3-5, it is unclear to whom or what the providing step is providing information.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 and 11-12 rejected under 35 U.S.C. 102(e) as being anticipated by Koike,  
U.S. PG-PUB 2003/0084300.

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As per claims 1 and 11:

Koike discloses a method for controlling transfer of data between a service provider and a user in a communication system where the service provider possesses a privacy policy, the method comprising the steps of:

introducing to a broker a usage policy for constraints related to data of a user;

receiving a request for data associated with the user from a service provider to the broker;

checking, in the broker, the request against a usage policy of the user, and deciding if the data can be released (paragraph 0084).

As per claim 2:

Koike further discloses a method comprising the step of using the user to define the usage policy for the constraints related to the data (paragraphs 0086-0089)

As per claims 3 and 4:

Koike further discloses a method comprising the step of providing a predefined set of privacy policies and usage policies that comprise similar information elements (paragraph 0089).

As per claim 5:

Koike further disclose a method wherein the providing step comprises providing at least one of the privacy policies and at least one of the usage policies which specify a strictness level describing the constraints related to the data (figures. 3 and 6).

As per claim 6:

Koike further discloses a method comprising the step of using the user to choose the usage policies for the constraints related to the data (paragraph 0115).

As per claims 7 and 8:

Koike further discloses a method comprising the step of releasing user data if the at least one of the privacy policies of the service provider matches with the specified strictness level of the at least one of the usage policies of the user and indicating, by the broker, the strictness level of the at least one of the usage policies of the user to the service provider if the at least one of the privacy policies of the service provider does not match with the specified strictness level of the at least one of the usage policies of the user (paragraphs 0117-0126).

As per claim 9:

Koike further discloses a method comprising the step of allowing the user to reduce a usage policy requirement if the at least one of the privacy policies of the service provider does not match with the specified strictness level of the at least one of the usage policies of the user (paragraph 0127).

As per claim 12:

Koike discloses a data transfer system comprising:

introducing means for introducing to a broker a usage policy for constraints related to data of a user;

receiving means for receiving a request for data associated with the user from a service provider to the broker;

checking means for checking, in the broker, the request against a usage policy of the user, and

deciding means for deciding if the data can be released (paragraph 0116).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Koike, U.S. PG-PUB 2003/0084300 as applied to claim 1 above, and further in view of Holtmanns et al. (Holtmanns), U.S. PG-PUB 2005/0086061.

As per claim 10:

Koike fails to disclose the step of attaching an electronically signed usage policy to the data when the data is released. However, Holtmanns discloses signing a privacy receipt that accompanies the user's privacy data (paragraph 0068).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to sign the usage policy in order to protect the user from having the service provider modify the information once it was received as taught by Holtmanns (paragraph 0068).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin D. Sandoval whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

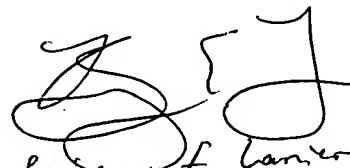
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristin D Sandoval  
Examiner  
Art Unit 2132

KDS  
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Benjamin E. Langer  
Examiner AU 2132